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COMMISSION ON HUMAN RIGHTS

Fifty-eighth session

SUMMARY RECORD OF THE 49th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 22 April 2002, at 10 a.m.

Chairperson: Mr. JAKUBOWSKI (Poland)

CONTENTS

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued)

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (continued)

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The meeting was called to order at 10.10 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 9) (continued) (E/CN.4/2002/L.31, L.33 and L.34)

Draft resolution on the situation of human rights in Afghanistan (E/CN.4/2002/L.31)

1. Mr. KAZEMI (Observer for Afghanistan) said that he welcomed the draft resolution, which came at a time when his people were emerging from over two decades of deprivation and had made a commitment to take bold steps towards the rehabilitation and reconstruction of their devastated country - a process essentially focused on the restoration of human rights.

2. He thanked all those who had contributed to the preparation of the draft resolution, particularly the delegation of Italy for having undertaken, on behalf of the European Union, the arduous task of preparing the first draft. It addressed a range of interdependent issues that had a direct bearing on the human rights situation in his country and provided a basis for the measures initiated by the Interim Authority with a view to protecting, improving and enhancing human rights, within the bounds of law and justice.

3. He welcomed the proposed extension of the mandate of the Special Rapporteur on the situation of human rights in Afghanistan. The Interim Authority would be pleased to receive the Special Rapporteur and to provide all the necessary assistance.

4. The draft resolution called on the relevant bodies of the United Nations and the international community to continue and intensify their efforts and assistance in a spirit of partnership, in order to contribute to the improvement of the human rights situation. He looked forward to the active cooperation of the human rights advisers attached to the United Nations Assistance Mission in Afghanistan and the assistance of the Office of the High Commissioner for Human Rights (OHCHR) in implementing the draft resolution.

5. Ms. WONG (Secretariat) said that, under the terms of paragraph 30 of the draft resolution, the Commission would extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan by one year. The total cost of such a decision was estimated at $77,800 for the biennium 2002-2003. The mandate of the Special Rapporteur fell into the category of activities considered to be of a perennial nature. As provisions had already been made in the programme budget for activities of that nature, no additional funding would be required if the draft resolution was adopted.

6. Mr. AKRAM (Pakistan) said that his delegation supported the draft resolution. After over 20 years of war, there was finally an opportunity to reconstruct Afghanistan, rehabilitate its people and restore human rights. His Government fully supported the Interim Authority in its efforts to implement the Bonn Agreement and to launch a political process that would bring stability and peace to Afghanistan. Only then would the rights of the Afghan people be assured.

7. The international community should honour the commitments made at the Tokyo Donors' Conference. Despite its limited resources, Pakistan had pledged $100 million to Afghanistan, thereby indicating its commitment to the country's reconstruction and rehabilitation. Specific financial assistance had already been provided, including funding for the establishment of a national army and police force. A collective effort by the international community to establish durable peace in the area was essential, if the political process were not to be sidetracked, and to ensure the promotion and protection of human rights.

8. His Government supported the repatriation of Afghan refugees; the rehabilitation and reconstruction of refugee return areas would facilitate their reintegration.

9. His Government welcomed the decision of the Interim Authority to establish a Truth Commission. Only through tolerance, patience and mutual trust could Afghan society resolve its differences. The return of the exiled former king would contribute towards genuine national reconciliation in a society that had been ravaged by years of divisive and devastating war. In order to build lasting peace in Afghanistan, the draft resolution should be implemented both in the letter and in the spirit.

10. The draft resolution was adopted.

Draft resolution on the situation of human rights in the Islamic Republic of Iran (E/CN.4/2002/L.33)

11. Mr. PEREZ-VILLANUEVA y TOVAR (Spain), introducing the draft resolution on behalf of the European Union and its other sponsors, said that the Union had followed closely the situation of human rights in the Islamic Republic of Iran for several years. It had made contact with the Iranian authorities with a view to seeking a consensus outcome to the initiative, and had remained flexible in its efforts to take a constructive approach and to contribute to reforms in Iran. However, it had not been possible to reach a consensus solution.

12. The draft resolution reflected the positive developments in Iran, such as improvements in the field of women's education, democratic participation and health, as well as in the field of children's rights. It welcomed the re-establishment of the Human Rights Commission of the Majlis and the establishment of the National Committee for the Promotion of Human Rights of Religious Minorities. It also welcomed the steps taken by the Majlis to enforce article 38 of the Constitution, which prohibited torture.

13. However, it expressed concern at the human rights violations in the country, in particular the deterioration of the situation with regard to freedom of expression, the occurrence of cases of disappearance, the continuing discrimination against persons belonging to minorities and the use of torture and other forms of cruel, inhuman and degrading punishment.

14. The Union was disappointed that the Government of Iran had not cooperated fully with the Special Representative on the situation of human rights in Iran, and that no invitation to visit the country had been extended to him. It hoped that an open and constructive dialogue would be possible in the future with the Government of Iran, and that the draft resolution would be broadly supported.

15. Mr. LEBAKINE (Secretary of the Commission) said that the representative of the Czech Republic and the observers for Andorra, Israel, Latvia and San Marino had become sponsors of the draft resolution.

16. Mr. AKRAM (Pakistan), speaking on behalf of the Organization of the Islamic Conference (OIC), said that the OIC opposed the fact that the European Union was selectively critical of some developing and Islamic countries and used the Commission to promote political objectives rather than to advance the cause of human rights in the targeted countries.

17. For the last 19 years, a group of countries had submitted a draft resolution on the situation of human rights in the Islamic Republic of Iran, and had steadily ignored the realities of Iranian society. Such an outdated approach neither generated a momentum for the protection and promotion of human rights nor did it take into account the remarkable progress achieved in that country.

18. The draft resolution was inconsistent and contradictory in that it both welcomed the positive human rights developments in Iran and condemned the situation there. Furthermore, it had been very sloppily prepared; for example, in paragraph 6 (c), it called upon the Government to consider ratifying the 1999 Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182) of the International Labour Organization (ILO). That Convention had, in fact, been ratified by Iran in February 2002 and the Majlis had adopted a law punishing those who violated the Convention.

19. The promotion of human rights would not be guaranteed by the adoption of a politically motivated resolution, but through dialogue and cooperation. The Iranian Government was prepared to engage in such a process, but not under duress. The OIC was ready to assist in any such international endeavour. He urged the members of the Commission to oppose the draft resolution.

20. Mr. DEMBRI (Algeria) said that the draft resolution failed to draw any conclusions from the considerable efforts made by the Iranian authorities to monitor, promote and protect human rights. The same draft resolution had been submitted year after year with only slight modifications, always failing to take into account the realities of Iranian society. It was interesting to note that, despite widespread human rights violations during the Shah's political regime, the Commission had seen fit to condemn Iran only since the emergence of the new republic in 1979. The draft resolution was unbalanced and politically motivated and he urged the Commission not to adopt it.

21. Mr. SHA Zukang (China) said that in recent years, the Iranian Government had taken great steps to strengthen its democratic institutions and to promote and protect the human rights of its people. It had also been actively involved in promoting human rights at the international level; for example, it supported the dialogue among civilizations and had made a significant contribution to the Durban Conference. The draft resolution disregarded all the progress made in recent years and illustrated how political pressure could be exerted on countries with different social systems and cultural traditions, under the pretext of human rights. His delegation would vote against the draft resolution.

22. Ms. AL-HAJJAJI (Libyan Arab Jamahiriya) said that the fact that certain countries were being targeted by unjust and contradictory resolutions indicated that the Commission had become a battlefield for political debate. In the case of Iran, it would be more appropriate to call for a Chairperson's statement, which would accurately reflect the human rights situation in the country and outline the progress made. The Government of Iran should be encouraged to continue its reform process, rather than be targeted by a draft resolution that could not but have negative consequences. Her delegation would not vote in its favour.

23. Mr. FERNANDEZ PALACIOS (Cuba) said that the sponsors of the draft resolution had not only failed to do their job properly, but had not listened to what had been said at previous meetings. His delegation would vote against the draft resolution in an endeavour to put an end to the use of double standards and politically motivated draft resolutions that were threatening the credibility of the Commission and emphasizing the division between the Powers of the north and the developing countries of the south.

24. Mr. SIDDIG (Sudan) said that his delegation would vote against the draft resolution because it illustrated the selectivity that was practiced against some States: it did not accurately reflect the recent improvements in the human rights situation in Iran and it made negative references to Islam. The Commission should encourage Iran, not condemn it.

25. Mr. SALLOUM (Syrian Arab Republic) said that he failed to understand how certain member States could conceive such a draft resolution. attacking a country that had made considerable efforts to improve the human rights situation, while ignoring violations committed in other States. His delegation would vote against the draft resolution.

26. Mrs. HASTAIE (Observer for the Islamic Republic of Iran) said that the United Nations system had been taken hostage by a powerful minority that unsparingly exploited its mechanisms to exert pressure on certain countries. The system had lost all credibility and integrity.

27. The promotion and protection of human rights and fundamental freedoms was the primary objective of the United Nations and no country should be immune from international scrutiny. However, the existing system of monitoring human rights violations was selective, arbitrary, partial and unproductive. To rectify the discrepancies of the system in respect of its human rights machinery, and to prevent its abuse and manipulation, a spirit of understanding and cooperation among the entire membership was essential.

28. The Commission had considered the human rights situation in her country for 19 years. In recent years, however, the draft resolution had failed to win the support of a majority of member States, largely because of the sponsors' refusal to recognize the positive developments in Iran and their reluctance to cooperate. The process had neither had any impact on the promotion and protection of human rights, nor had it generated the necessary momentum among the non-State actors in advocating human rights in Iran.

29. The policy of defamation and distortion of facts directed against Iran had resulted in total failure. However, her Government believed that a practical solution was not beyond reach. It was prepared to work closely with the sponsors of the draft resolution and engage in a meaningful discussion in order to end that useless and harmful process.

30. Reality could not, and should not, be ignored. Iran was a dynamic society, moving towards a fully fledged democracy. The ongoing popular reform process was self-sustaining and irreversible. It was bound to lead to further institutionalization of the rule of law and democracy, as well as the promotion and protection of human rights, to which her Government was fully committed.

31. External pressure and interference would only hamper the process. Any initiative at the international level should be innovative, constructive and encouraging, based on cooperation. The current process and attitude towards the situation of human rights in Iran fully contradicted those criteria. She therefore urged the Commission to vote against the draft resolution.

32. Mr. LEBAKINE (Secretary of the Commission) said that the total costs under paragraph 8 (a) of the draft resolution would amount to US$ 34,100. The draft resolution was considered to fall within the scope of a perennial mandate for which resources were already provided under Section 22 of the budget for the biennium 2002-2003. No additional resources would, therefore, be required as a result of adoption of the draft resolution.

33. At the request of the representative of Pakistan, a recorded vote was taken on the draft resolution.

In favour: Argentina, Austria, Belgium, Canada, Costa Rica, Croatia, Czech Republic, Ecuador, France, Germany, Italy, Japan, Mexico, Peru, Poland, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

Against: Algeria, Armenia, Bahrain, China, Cuba, Democratic Republic of the Congo, India, Indonesia, Libyan Arab Jamahiriya, Malaysia, Nigeria, Pakistan, Russian Federation, Saudi Arabia, Senegal, Sudan, Syrian Arab Republic, Togo, Venezuela, Viet Nam.

Abstaining: Brazil, Burundi, Cameroon, Chile, Guatemala, Kenya, Republic of Korea, Sierra Leone, South Africa, Swaziland, Thailand, Uganda, Uruguay, Zambia.

34. The draft resolution was rejected by 20 votes to 19 with 14 abstentions.

Draft resolution on the situation of human rights in Sierra Leone (E/CN.4/2002/L.34)

35. Ms. GERVAIS-VIDRICAIRE (Canada), introducing the draft resolution on behalf of its sponsors, said that it welcomed the significant progress of the peace process in Sierra Leone and noted the importance of the approaching elections for the country's long-term stability. It raised concerns regarding the human rights situation, reflected the achievements of the Government of Sierra Leone over the previous year and requested the assistance of the international community. Her delegation commended the efforts and openness of the delegation of Sierra Leone in its contributions to the drafting process and hoped that the resolution would be adopted by consensus.

36. Mr. LEBAKINE (Secretary of the Commission) said that the representative of Peru and the observers for Albania, Cyprus and Malta had become sponsors of the draft resolution.

37. Ms. WONG (Secretariat) said that total costs under paragraph 9 (f) of the draft resolution would amount to US$ 99,800 for the biennium 2002-2003. The modalities for financing the forensic team and the surgeon would be determined once it was possible to ascertain that they could be deployed and would be in a position to carry out their tasks in full.

38. The draft resolution was adopted.

39. Mr. PEREZ-VILLANUEVA y TOVAR (Spain), speaking on behalf of the members of the European Union and associated States that were members of the Commission, in explanation of their vote on the draft resolution on the human rights situation of Lebanese detainees in Israel (E/CN.4/2002/L.15), said that the resolution dealt with some subjects which came under the mandate of other United Nations bodies such as the Security Council. The Union reiterated its concern for the Lebanese detainees arrested by Israel in violation of the Fourth Geneva Convention and humanitarian law and called upon Israel to allow the International Committee of the Red Cross (ICRC) to visit the two detainees still being held without charge.

40. With regard to the draft resolution on assistance to Equatorial Guinea in the field of human rights (E/CN.4/2002/L.20), the Union had been disappointed by the lack of dialogue relating to the issue and the lack of will to negotiate within the Commission. The situation gave many grounds for concern such as the poor conditions in prisons, denial of the right to a fair trail, discrimination against women and the lack of freedom of expression. The delegations for which he spoke were most concerned that no body existed for monitoring the human rights situation in the country and hoped that the Commission would consider the issue in greater depth at its fifty-ninth session.

41. Mr. TADEO VALADARES (Brazil) said, in explanation of his delegation's abstention from voting on the draft resolution on the situation of human rights in the Islamic Republic of Iran (E/CN.4/2002/L.33), that it acknowledged the positive developments in Iran since President Khatami had taken office and expected them to continue. However, the vote also reflected its concern regarding the Special Representative on the situation of human rights in the Islamic Republic of Iran's most recent report stating that a variety of obstacles still prevented the full enjoyment of human rights by different sectors of Iranian society. His delegation encouraged the Government of Iran to take further steps towards consolidating the protection of human rights.

42. Mr. VEGA (Chile) said that, although his delegation had abstained from voting on the draft resolution on the situation of human rights in the Republic of Chechnya of the Russian Federation (E/CN.4/2002/L.29), that did not mean that his Government was not concerned about the sufferings of the Chechen people. It recognized the attempts by the Russian Government to develop a dialogue of reconciliation and to instil a climate promoting the protection of the civilian population's human rights. However, the fight against terrorism must be carried out in full respect for the law so as to avoid violating human rights and fundamental freedoms.

43. His delegation had voted for the draft resolution on the situation of human rights in Cuba (E/CN.4/2002/L.30), because it believed that the resolution could help improve the system for guaranteeing the Cuban people's civil and political rights. At the same time, his delegation recognized the relatively high standard of economic, social and cultural rights in Cuba and did not believe that the blockade against Cuba served any purpose other than to cause a deterioration in the living conditions of the Cuban people. His delegation would support any vote aimed at improving the human rights situation in Cuba.

44. As for his delegation's abstention in the vote on the situation of human rights in the Islamic Republic of Iran (E/CN.4/2002/L.33), it attached great importance to the efforts by the Iranian Government to improve the human rights situation in the country. However, it had noted the Special Representative's comments on the difficult situation regarding freedom of expression, the problems of ethnic and religious minorities, discrimination against women, the use of cruel or inhuman punishments, the disappearances of persons and continued executions. It was also regrettable that the Special Representative had been unable to visit Iran. His delegation appealed to the Iranian Government to allow him to visit in the future. It hoped that the Islamic Republic of Iran would establish conditions permitting full respect for human rights in the future.

45. Mr. ATTAR (Saudi Arabia) said that his delegation had voted in favour of the draft resolution on the situation of human rights in Iraq (E/CN.4/2002/L.26) because it hoped that Iraq would adopt a more positive attitude towards dealing with what was a humanitarian issue and cooperate with the appropriate machinery to find a solution to end the suffering of the families of those persons who had disappeared.

46. Mr. RODRIGUEZ CEDEÑO (Venezuela) said that his delegation had voted against the draft resolution on the situation of human rights in Cuba (E/CN.4/2002/L.30) because, although his Government was committed to the protection and promotion of human rights and recognized that the Commission was a universal body responsible for human rights without selectivity, it wished to avoid political debates which jeopardized the Commission's effectiveness. The draft resolution did not address all the realities of the situation in Cuba nor had it made any reference to the blockade to which the Cuban people were being subjected and which was against international law.

47. Ms. GERVAIS-VIDRICAIRE (Canada) said that her delegation had abstained from voting on the draft resolution on the human rights situation of Lebanese detainees in Israel (E/CN.4/2002/L.15) because it was unbalanced in its explanation of the regional context and did not help to promote peace in the region. In addition, it contained references to landmines and the current forum was not the place to discuss them. The same applied to the operations of the United Nations Interim Force in Lebanon (UNIFIL).

48. Mr. KHABBAZ-HAMOUI (Syrian Arab Republic) said in connection with his delegation's vote against the draft resolution on the situation of human rights in Iraq (E/CN.4/2002/L.26), that the Iraqi authorities should cooperate in finding a just solution for the problem of the Kuwaiti detainees.

49. Mr. FUTRAKUL (Thailand), explaining his delegation's abstention from voting on the draft resolution on the situation of human rights in Iran (E/CN.4/2002/L.33), said that it welcomed the positive developments in human rights in Iran. The primary responsibility for the protection of human rights in any country lay with the Government of that country and the Commission's task was to foster an atmosphere of dialogue, cooperation, consultation and understanding to enhance its efforts. His delegation did not believe that the draft resolution in question could foster such an atmosphere.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 10) (continued) (E/CN.4/2002/L.18, L.35, L.37-48, E/CN.4/2002/2-E/CN.4/Sub.2/2001/40, Chapter I, draft decisions 1 and 5)

Draft resolution on adequate housing as a component of the right to an adequate standard of living (E/CN.4/2002/L.18)

50. Mr. LEWALTER (Germany), introducing the draft resolution, said that it reflected the sponsors' serious concern regarding the housing situation of many poor and vulnerable people in the world. The link between adequate housing and human rights was evident and it was therefore important to continue giving the topic a firm place on the Commission's agenda.

51. Paragraph 2 had been modified to read:

> "*Welcomes* the attendance of the Special Rapporteur on adequate housing at the five-year review of the Habitat Agenda in June 2001, takes note of his contributions to the Third United Nations Conference on the Least Developed Countries in May 2001, to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in September 2001 and to the preparatory process of the International Conference on Financing for Development held in March 2002, and in this connection encourages the Special Rapporteur, in accordance with his mandate, to bring the issue of adequate housing to the attention of relevant review processes of United Nations conferences and summits, such as the World Summit on Sustainable Development, the 'World Food Summit: five years later' and the special session of the United Nations General Assembly on children, including where possible, through contributing to and participating in these events."

52. He hoped that the draft resolution would be supported by a broad consensus and adopted without a vote.

53. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Algeria, Sweden and Uruguay and the observer for Afghanistan had become sponsors of the draft resolution, which had no financial implications.

54. The draft resolution, as orally revised, was adopted.

Draft resolution on human rights and unilateral coercive measures (E/CN.4/2002/L.35)

55. Mr. MONTWEDI (South Africa), introducing the draft resolution on behalf of the Non-Aligned Movement and China, said that it urged States to refrain from implementing unilateral measures that were not in accordance with international law or the Charter of the United Nations. The Non-Aligned Movement believed that such measures created obstacles to trade relations among States and impeded the full realization of the right to development.

56. A technical correction should be made to the heading of the draft resolution, namely, the words "and China" should be inserted after the word "Movement" within the brackets in the second line.

57. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Armenia and Malaysia had become sponsors of the draft resolution.

58. At the request of the representative of Canada, a recorded vote was taken on the draft resolution.

In favour:	Algeria, Argentina, Armenia, Bahrain, Brazil, Burundi, Cameroon, Chile, China, Costa Rica, Cuba, Democratic Republic of the Congo, Ecuador, Guatemala, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Peru, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Uruguay, Venezuela, Viet Nam, Zambia.
Against:	Canada, Croatia, Germany, Japan, Sweden, United Kingdom of Great Britain and Northern Ireland.
Abstaining:	Austria, Belgium, Czech Republic, France, Italy, Poland, Portugal, Republic of Korea, Spain.

59. The draft resolution was adopted by 38 votes to 6 with 9 abstentions.

Draft decision on the promotion of the realization of the right to drinking water and sanitation, recommended to the Commission by the Sub-Commission on the Promotion and Protection of Human Rights (E/CN.4/2002/2-E/CN.4/Sub.2/2001/40, chapter I, draft decision 1; E/CN.4/2002/L.37)

60. Ms. GLOVER (United Kingdom) said that her delegation formally withdrew its amendment (E/CN.4/2002/L.37) because it was unable to command a consensus. If there were a vote on the subject, her delegation would abstain because it did not recognize a right to drinking water as set out in draft decision 1.

61. Ms. GERVAIS-VIDRICAIRE (Canada), speaking in explanation of vote before the voting, said that, although her Government recognized the importance of access to drinking water and sanitation, and was committed to developing strategic partnerships to promote

sustainable water resource management, it had a number of concerns with the draft resolution. The appointment of a special rapporteur was inappropriate. The proposed mandate was unclear and too broad, potentially duplicating work of other special rapporteurs. The introduction of an international dimension into the mandate might suggest that States did not have the sovereign right to manage their own resources.

62. Lastly, while recognizing the obligations of States towards their own citizens to provide access to clean drinking water and sanitation, her delegation did not accept that there was a "right" to drinking water and sanitation. Efforts to expand the sphere of what were considered to be rights might serve only to diminish the importance of recognized rights. Her delegation would thus vote against the recommended draft decision.

63. Mr. REYES RODRIGUEZ (Cuba) said he was grateful that the United Kingdom had withdrawn its amendment, which called into question the whole point of draft decision 1. The statement by the representative of Canada was totally misguided: the right to water and sanitation had been recognized at a number of international environmental meetings. Its acknowledgement as a right was particularly important in African countries. The lack of water, which impinged on women most, thereby contributed to the feminization of poverty.

64. Ms. WONG (Secretariat) said that the total cost of implementing the draft decision would be $24,600, provision for which had already been included in the programme budget for the biennium 2002-2003. Consequently, no additional resources would be required.

65. At the request of the representative of Canada, a recorded vote was taken on the draft decision.

In favour: Algeria, Argentina, Bahrain, Brazil, Burundi, Cameroon, Chile, China, Costa Rica, Cuba, Democratic Republic of the Congo, Ecuador, Guatemala, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Peru, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Uruguay, Venezuela, Viet Nam, Zambia.

Against: Canada.

Abstaining: Armenia, Austria, Belgium, Croatia, Czech Republic, France, Germany, Italy, Japan, Poland, Portugal, Republic of Korea, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

66. The draft decision was adopted by 37 votes to 1, with 15 abstentions.

Draft decision on the Social Forum, recommended to the Commission by the Sub-Commission on the Promotion and Protection of Human Rights (E/CN.4/2002/2-E/CN.4/Sub.2/2001/40, chapter I, draft decision 5; E/CN.4/2002/L.38)

67. Ms. GLOVER (United Kingdom of Great Britain and Northern Ireland) said that the amendment proposed by her delegation (E/CN.4/2002/L.38), which replicated Commission decision 2001/103, requested the Economic and Social Council to authorize the holding of the Social Forum during the Sub-Commission's regular session, rather than as a pre-sessional meeting. That position was consistent with the outcome of the review of mechanisms in 2000, when the Commission had decided by consensus to reduce the Sub-Commission's session from four to three weeks.

68. Mr. REYES RODRIGUEZ (Cuba) said that the Sub-Commission had made some serious studies of the workings of the Social Forum over several years. Its timetable was already complicated and the United Kingdom amendment (E/CN.4/2002/L.38) would eliminate any real possibility of useful discussions, at a time when they were important for all, particularly in view of the relentless march of globalization. His delegation would vote against the amendment.

69. At the request of the representative of Cuba, a recorded vote was taken on the United Kingdom amendment to the recommended draft decision.

In favour: Armenia, Austria, Bahrain, Belgium, Canada, Costa Rica, Croatia, Czech Republic, France, Germany, Guatemala, Italy, Japan, Mexico, Poland, Portugal, Republic of Korea, Saudi Arabia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

Against: Algeria, Argentina, Brazil, Burundi, Cameroon, Chile, China, Cuba, Democratic Republic of the Congo, Ecuador, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Nigeria, Pakistan, Russian Federation, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Uruguay, Venezuela, Viet Nam, Zambia.

Abstaining: Peru

70. The United Kingdom amendment was rejected by 31 votes to 21, with 1 abstention.

71. Ms. WONG (Secretariat) said that the cost of implementing the draft decision recommended by the Sub-Commission would amount to US$ 55,800 to provide conference services for a pre-sessional meeting of the body known as the Social Forum. Owing to substantial overexpenditure on conference servicing in the biennium 2000-2001, however, it would not be possible to meet the conference servicing requirements from existing resources. An additional appropriation by the General Assembly would be required.

72. Ms. GLOVER (United Kingdom), speaking in explanation of vote before the voting, said that, in view of her previous statement and the programme budget implications of the draft decision, her delegation would vote against it.

73. A recorded vote was taken.

In favour: Algeria, Argentina, Bahrain, Brazil, Burundi, Cameroon, Chile, China, Cuba, Democratic Republic of the Congo, Ecuador, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Peru, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Uruguay, Venezuela, Viet Nam, Zambia.

Against: Canada, Japan, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Armenia, Austria, Belgium, Costa Rica, Croatia, Czech Republic, France, Germany, Guatemala, Italy, Poland, Portugal, Republic of Korea, Spain, Sweden.

74. The draft decision was adopted by 35 votes to 3, with 15 abstentions.

Draft resolution on the right to education (E/CN.4/2002/L.39)

75. Mr. MENDOÇA E MOURA (Portugal), introducing the draft resolution on behalf of its sponsors, said that it focused particularly on the questions of discrimination in access to education, quality of education, violence in schools and human rights education. It had incorporated suggestions from various delegations. In that connection, the word "prohibit" in paragraph 4 (m) (i) should be replaced by the word "eliminate".

76. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Algeria, Argentina, Brazil, Burundi, Cuba, India, Spain, Swaziland, Thailand and Viet Nam and the observers for Angola, Andorra, Belarus, Bulgaria, Cyprus, Equatorial Guinea, Georgia, Luxembourg, Mauritius, Moldova, Mongolia, Morocco, Netherlands, Panama, San Marino and Tunisia had become sponsors of the draft resolution.

77. The draft resolution, as orally revised, was adopted.

Draft resolution on the question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights (E/CN.4/2002/L.40)

78. Mr. MENDOÇA E MOURA (Portugal), introducing the draft resolution, the text of which was based on the principle of the indivisibility, interdependence and interrelationship of all human rights, said it aimed at giving a higher priority to economic, social and cultural rights.

79. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Brazil, Chile, Ecuador, France and Spain and the observers for Andorra, Angola, Belarus, Bulgaria, Cuba, Equatorial Guinea, Georgia, Ireland, Liechtenstein, Luxembourg, Morocco, Netherlands, Panama, Paraguay, Tunisia and Yugoslavia had become sponsors of the draft resolution.

80. Ms. WONG (Secretariat) said that the cost of implementing paragraph 9 (c) would be US$ 7,100. Since it was an activity of a perennial nature, provision had already been made for it under the programme budget for the biennium 2002-2003. No extra resources would be required. As for paragraph 9 (f), the cost would be determined when the Commission decided on the working group's mandate and its meeting requirements.

81. The draft resolution was adopted.

Draft resolution on the right to food (E/CN.4/2002/L.41)

82. Mr. FERNANDEZ PALACIOS (Cuba), introducing the draft resolution, said it reaffirmed that hunger was an affront to human dignity. In that connection, he drew particular attention to paragraphs 3 and 4. Following discussions with the other sponsors, he had two changes to make: in paragraph 5, the words "for the eradication of hunger and food insecurity" should be replaced by the words "to realize the aim to halve by the year 2015 the proportion of people who suffer for hunger": while, in paragraph 10, the words "in this context" should be replaced by the phrase "pursuant to Objective 7.4 of the 1996 World Food Summit Plan of Action".

83. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Austria, Belgium, Costa Rica, France, Germany, Guatemala, Italy, Japan, Peru and Portugal and the observers for Finland, Greece, Ireland, Mauritius, Norway, Slovenia and Switzerland had become sponsors of the draft resolution.

84. There was a small correction to make: in paragraph 14, the word "fifty-eighth" should be replaced by the word "fifty-ninth".

85. Ms. WONG (Secretariat) said that the cost of implementing paragraphs 9 and 14 would amount to US$ 9,500. Since they were activities of a perennial nature, provision had already been made for them in the programme budget for the biennium 2002-2003. No additional resources would be required.

86. The draft resolution, as orally revised and corrected, was adopted.

Draft resolution on the promotion of the enjoyment of the cultural rights of everyone and respect for different cultural identities (E/CN.4/2002/L.42)

87. Mr. REYES RODRIGUEZ (Cuba), introducing the draft resolution, highlighted the provisions of paragraphs 1, 4, 8, 12 and 14. The adoption of the draft resolution would be of particular significance at a time of relentless globalization.

88. There were two changes to be made: in paragraph 8, the phrase "that cultural cooperation is a right and a duty" should be replaced by the phrase "the importance of cultural cooperation". In paragraph 11, the phrase "the cultural identity of peoples and of protection" should be replaced by the phrase "distinct cultural identities and of promotion".

89. In the list of sponsors, the inclusion of France had been an error on the part of the Secretariat, while Ghana should have appeared there. The representatives of Burundi, the Democratic Republic of Congo, Kenya and the Libyan Arab Jamahiriya and the observers for Congo and Haiti had also become sponsors.

90. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Cameroon, Pakistan and Peru and the observer for the Dominican Republic had also become sponsors of the draft resolution. Several of the delegations mentioned by the representative of Cuba had not yet been inscribed on the list of sponsors.

91. The draft resolution, as orally revised, was adopted.

Draft resolution on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (E/CN.4/2002/L.43)

92. Mr. AYEWOH (Nigeria), introducing the draft resolution on behalf of the African Group, said that the issue was particularly important in that it concerned the most fundamental of all human rights, the right to life, which was threatened by the illicit movement and dumping of toxic and dangerous products. He drew particular attention to the provisions of paragraphs 5, 7, 10 and 11.

93. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Cuba and Ecuador and the observer for Haiti had become sponsors of the draft resolution.

94. Mr. WATANABE (Japan), speaking in explanation of vote before the voting, said that his delegation recognized the seriousness of the issue of dumping. It shared the African Group's concern and expressed deep sympathy for the countries affected. He was not sure, however, that the Commission was the appropriate forum to consider the issue, which would more fittingly belong in a body with the corresponding expertise and mandate. Consequently, his delegation would vote against the draft resolution.

95. Mr. PEREZ-VILLANUEVA y TOVAR (Spain), speaking on behalf of the members of the European Union and associated States that were members of the Commission, in an explanation of vote that had been approved by the European Union and associated States as a whole, said that he shared the concern of many delegations, particularly those of the African Group, with regard to the dumping of toxic and dangerous products and wastes.

96. The draft resolution nevertheless posed two problems. Its main focus seemed to be on the environment and not on human rights, and there were other United Nations bodies better suited to dealing with environmental issues than the Commission. Furthermore, the draft resolution seemed to imply that multinational enterprises had an international legal status similar to that of States, which was not the position of the Union. The draft resolution also appeared to suggest that there was a right to a healthy environment, a concept that was not reflected in current international human rights instruments, and whose implications were not well understood.

97. He welcomed the positive exchange of views during the informal consultations and the suggestion by the representative of Nigeria that a text could be drafted for the Commission's next session that would more accurately reflect the positions of all parties. The Union would not, however, be able to support the draft resolution proposed at the current session.

98. Ms. GERVAIS-VIDRICAIRE (Canada) said that her delegation shared the concern with regard to the illicit movement and dumping of toxic and dangerous products and wastes and supported international efforts to combat such practices. The issues addressed in the draft resolution, however, were better addressed in other United Nations forums where the necessary expertise existed. She was also concerned at the broad and duplicative nature of the Special Rapporteur's mandate and opposed its extension. Her delegation would, therefore, vote against the draft resolution.

99. At the request of the representative of Japan, a recorded vote was taken.

In favour: Algeria, Argentina, Bahrain, Brazil, Burundi, Cameroon, Chile, China, Costa Rica, Cuba, Democratic Republic of the Congo, Ecuador, Guatemala, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Peru, Republic of Korea, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Uruguay, Venezuela, Viet Nam, Zambia.

Against: Austria, Belgium, Canada, Croatia, Czech Republic, France, Germany, Italy, Japan, Poland, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Armenia, Russian Federation.

100. The draft resolution was adopted by 37 votes to 14, with 2 abstentions.

Draft resolution on globalization and its impact on the full enjoyment of human rights (E/CN.4/2002/L.44)

101. Mr. AKRAM (Pakistan), introducing the draft resolution on behalf of the Like-Minded Group of Countries, said that the representatives of Ecuador, Kenya, Libyan Arab Jamahiriya, Nigeria, Peru, Saudi Arabia, South Africa, Swaziland, Syrian Arab Republic, Uganda and Zambia had been added to the list of sponsors.

102. The trend towards globalization was bereft of political vision and standards of justice and equity and neither its benefits nor the phenomenon itself were global. The poor countries, especially in Africa, were not benefiting from globalization, which seemed to be a means of managing trade in the interest of the rich countries.

103. The draft resolution stressed the need to incorporate principles such as equality, participation, accountability, non-discrimination, diversity, cooperation and solidarity into globalization with a view to establishing an international trading system, in particular in the area

of agriculture, which was conducive to full enjoyment of human rights. It called on OHCHR to continue to work for differential treatment for the developing countries and for more targeted financing. It also endorsed the High Commissioner's request for further substantive work on the application of the principle of non-discrimination in the context of the World Trade Organization (WTO) rules.

104. Human rights norms, particularly the right to development, must be the guiding principles underlying efforts to establish a just international social order. Failure to respect those principles could perpetuate or even exacerbate existing inequalities. He hoped that the resolution would be widely supported.

105. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Cameroon, Ecuador, Kenya, Libyan Arab Jamahiriya, Nigeria, Peru, Saudi Arabia, South Africa, Swaziland, Syrian Arab Republic, Togo, Uganda and Zambia and the observers for Equatorial Guinea and Mauritius had become sponsors of the draft resolution, which had no financial implications.

106. At the request of the representatives of Canada and Spain, a recorded vote was taken.

In favour: Algeria, Argentina, Armenia, Bahrain, Brazil, Burundi, Cameroon, Chile, China, Costa Rica, Cuba, Democratic Republic of the Congo, Ecuador, Guatemala, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Peru, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Uruguay, Venezuela, Viet Nam, Zambia.

Against: Austria, Belgium, Canada, Croatia, Czech Republic, France, Germany, Italy, Japan, Poland, Portugal, Republic of Korea, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

Abstaining: None.

107. The draft resolution was adopted by 38 votes to 15.

Draft resolution on the effects of structural adjustment polices and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights (E/CN.4/2002/L.45)

108. Mr. FERRER RODRIGUES (Cuba), introducing the draft resolution on behalf of its sponsors, said the text reflected concern that the external debt of the developing countries, and the constraints imposed by debt repayment or the implementation of structural adjustment programmes seriously affected those countries' right to development and to full enjoyment of

their economic, social and cultural rights. The developing countries often had to pay more to service their debts than they received in aid and very few of them had been able to increase their economic growth.

109. New initiatives and greater transparency on the part of existing institutions were necessary. A lasting solution could be developed only through a dialogue between the debtor countries and international financial institutions, within the United Nations system. He hoped, therefore, that the developing countries would support the draft resolution and that it would enjoy wide support.

110. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Malaysia and Senegal had become sponsors of the draft resolution.

111. Ms. WONG (Secretariat) said, with regard to the financial implications of paragraph 21, that the programme budget for the biennium 2002-2003 had allocated US$ 271,000 to conference servicing costs for meetings of the Working Group on Structural Adjustment in 2002 only. Since no additional funds for meetings of the Working Group in 2003 were available, the cost of servicing a session of the Working Group in 2003 would require an additional appropriation by the General Assembly.

112. Mr. PEREZ-VILLANUEVA TOVAR (Spain), speaking on behalf of the members of the European Union and associated States that were members of the Commission, in an explanation of vote that had been approved by the European Union and associated States as a whole, said that the issues of structural adjustment polices and foreign debt did not fall under the mandate of the Commission and were better discussed in other, more appropriate, forums.

113. The open-ended Working Group on the Right to Development could deal with the problems posed by structural adjustment policies and foreign debt and the Union was opposed to continuing the mandate of the Working Group on Structural Adjustment, which, since its establishment in 1996, had held only one substantive session.

114. The Union would continue to work actively in the appropriate forums to deal with the issues of structural adjustment and external debt but would vote against the current draft resolution.

115. At the request of the representative of Spain, a recorded vote was taken.

In favour: Algeria, Brazil, Burundi, Cameroon, China, Cuba, Democratic Republic of the Congo, Ecuador, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Nigeria, Pakistan, Russian Federation, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Uruguay, Venezuela, Viet Nam, Zambia.

Against: Austria, Belgium, Canada, Croatia, Czech Republic, France, Germany, Italy, Japan, Poland, Portugal, Republic of Korea, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Argentina, Armenia, Bahrain, Chile, Costa Rica, Guatemala, Mexico, Peru, Saudi Arabia.

116. The draft resolution was adopted by 29 votes to 15, with 9 abstentions.

Draft resolution on human rights and extreme poverty (E/CN.4/2002/L.46)

117. Mr. KESSEDJIAN (France), introducing the draft resolution on behalf of its sponsors, said that the text reflected the growing awareness on the part of the international community of the need to eliminate poverty, particularly extreme poverty, which was an affront to human dignity and to human rights, as confirmed in the Millennium Declaration.

118. The text took into account the work of the Committee on Economic, Social and Cultural Rights and of the Sub-Commission on the Promotion and Protection of Human Rights as well as the outcomes of the Durban Conference. It renewed the mandate of the independent expert for two years and encouraged her to continue her dialogue with the poor, United Nations bodies and international financial institutions. He hoped that the draft resolution would once again be adopted by consensus.

119. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Austria, Chile, China, Costa Rica, Cuba, Ecuador, Guatemala, India, Portugal, Senegal, Swaziland, Sweden and Viet Nam and the observers for Australia, Belarus, Bhutan, Bulgaria, Cyprus, Equatorial Guinea, Honduras, Moldova, Nepal, San Marino and Ukraine had become sponsors of the draft resolution.

120. Ms. WONG (Secretariat) said that provision had already been made in the programme budget for the biennium 2002-2003 for activities under paragraph 9 of the draft resolution in the amount of US$ 63,500. No additional resources would therefore be necessary.

121. The draft resolution was adopted.

Draft resolution on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (E/CN.4/2002/L.47)

122. Mr. TADEO VALADARES (Brazil), introducing the draft resolution on behalf of its sponsors, stressed the importance of recognizing the right to physical and mental health as a basic human right. Inadequate access to health care violated human dignity and the commitments made by the international community. Promotion of the right to health required continuing follow-up, exchange of information and cooperation within the international community and with civil society in order to review policies and legislation and overcome obstacles. It also required reports on the situation in the field and recommendations on how to promote that right. Therefore, the draft resolution called for the appointment of a special rapporteur.

123. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Costa Rica, France, India, Italy, Kenya, Senegal, Swaziland and Sweden and the observers for Angola, Bosnia and Herzegovina, Denmark, El Salvador, Ethiopia, Equatorial Guinea, Haiti, Israel, Luxembourg, Morocco, Nepal, Norway and the former Yugoslav Republic of Macedonia had become sponsors of the draft resolution.

124. Ms. WONG (Secretariat) said that the cost of the activities envisaged in paragraph 4 of the draft resolution were US$ 52,400 in 2002, US$ 74,900 in each of the years 2003 and 2004 and US$ 5,600 in 2005. Provision had already been made for those activities in the programme budget for the biennium 2002-2003 and would be proposed in the programme budget for the biennium 2004-2005 in the context of actions of a perennial nature. No additional resources would, therefore, be necessary.

125. The draft resolution was adopted.

Draft resolution on access to medication in the context of pandemics such as HIV/AIDS (E/CN.4/2002/L.48)

126. Mr. TADEO VALADARES (Brazil), introducing the draft resolution on behalf of its sponsors, said it took account of developments since the Commission's previous session. It stressed the right to health as a basic human right and highlighted the need for access to medicine, particularly in cases of pandemics such as HIV/AIDS. It also recalled the obligation of States to fulfil their commitments in that regard.

127. Despite the progress made, much remained to be done at the national and international levels to ensure the availability of medication. Good quality medicines for the treatment of pandemics such as HIV/AIDS must be made available to all, without discrimination, in sufficient quantities and at affordable prices. The ideas contained in the draft resolution should be implemented universally and he hoped that the Commission would adopt it by consensus.

128. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Chile, Costa Rica, Ecuador, France, India, Italy, Libyan Arab Jamahiriya, Malaysia, Senegal, Venezuela and Zambia and the observers for Angola, Bhutan, Bosnia and Herzegovina, Cyprus, Denmark, Equatorial Guinea, Ethiopia, Haiti, Nicaragua, Panama, the former Yugoslav Republic of Macedonia and Yugoslavia had become sponsors of the draft resolution, which had no programme budget implications.

129. Ms. GLOVER (United Kingdom), speaking also on behalf of the delegation of Sweden in explanation of vote before the voting, said her delegation interpreted the words in paragraph 3 (b) of the text "from any limitations by third parties" to mean limitations arising out of abuse of the applicable international law, including international agreements acceded to. On that basis, her delegation would join in the consensus on the draft resolution.

130. The draft resolution was adopted.

The meeting rose at 1 p.m.